



Loudoun County, Virginia

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Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a public hearing of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Monday, June 8, 2009 at 6:30 p.m.

IN RE: INTENT TO AMEND CHAPTER 1410 OF THE CODIFIED ORDINANCES
OF LOUDOUN COUNTY/VIRGINIA UNIFORM STATEWIDE BUILDING
CODE

Mr. Delgaudio moved that the Board of Supervisors suspend the rules.

Seconded by Ms. McGimsey.

Voting on the Motion: Supervisors Burk, Burton, Delgaudio, McGimsey, Miller, Waters, and York – Yes; Supervisor Kurtz – No; Vice Chairman Buckley - Absent for the Vote.

Mr. Delgaudio moved that the Board of Supervisors adopt the amendments to Chapter 1410 of the Codified Ordinance of Loudoun County for the purpose of adopting Chapter 3, Sections 301-304 of the Virginia Maintenance Code, as shown in Attachment 4.

Mr. Delgaudio further moved that the Board of Supervisors authorize the temporary reassignment of 2 FTEs from Building Code Enforcement to Zoning Enforcement for the purpose of handling complaints related to the Virginia Maintenance Code.

Seconded by Ms. McGimsey.

Voting on the Motion: Supervisors Burk, Burton, Delgaudio, McGimsey, Miller, Waters, and York – Yes; Supervisor Kurtz – No; Vice Chairman Buckley - Absent for the Vote.

COPY TESTE:

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

ATTACHMENT 1

**CODIFIED ORDINANCES OF LOUDOUN COUNTY PART FOURTEEN -
BUILDING AND HOUSING CODE**

Chap. 1410. Virginia Uniform Statewide Building Code.

Chap. 1420. Certification of Plumbers, Electricians and Building-
Related Mechanical Workers. (Repealed)

Chap. 1430. Smoke Detectors. (Repealed)

Chap. 1440. Fire Suppression Equipment. (Repealed)

Chap. 1450. Affordable Dwelling Units.

which portions are specifically identified and set forth in subsection (b) hereof, are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter takes effect, the provisions of such Building Code shall be controlling in all matters contained therein, and from such effective date all ordinances enacted prior hereto regulating the construction and alteration of buildings and structures are superseded.

(b) The following portions of the Virginia Uniform Statewide Building Code are hereby adopted for enforcement in the County:

- (1) "New Construction Code," in its entirety; and
- (2) "~~Property~~ Virginia Maintenance Code," in its entirety, including and expressly limited to:

~~A. Unsafe structure provisions.~~

~~B. Occupancy limitations provisions.~~

(c) Copies of the Virginia Uniform Statewide Building Code are filed and are available for inspection in the offices of the Department of Building and Development in Leesburg, Virginia, which copies shall be made available for inspection and examination during regular County business hours, Monday through Friday, except for holidays or inclement weather closings. The department may charge a reasonable fee for distribution of the Building Code based on production and distribution costs. (Ord. 87-09. Passed 7-20-87; Ord. 91-23. Passed 9-17-91; Ord. 93-13. Passed 11-17-93; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)

1410.02 PENDING PROCEEDINGS.

Nothing in this chapter shall be construed to affect any suit or proceeding now pending in any court, or any right acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character in existence prior to the adoption of this chapter be lost, impaired or affected by this chapter. (Ord. 82-07. Passed 5-17-82; Ord. 03-06. Passed 7-8-03.)

1410.03 INTERPRETATION.

Nothing in this chapter shall be construed to supersede the Zoning Administrator's authority under the Zoning Ordinance in matters outside of the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. (Ord. 82-07. Passed 5-17-82; Ord. 03-06. Passed 7-8-03.)

1410.04 EFFECTIVE DATE.

Amendments and changes to this chapter shall be effective as of the date of adoption. (Ord. 87-09. Passed 7-20-87; Ord. 03-06. Passed 7-8-03.)

1410.05 AMENDMENTS. (REPEALED)

(EDITOR'S NOTE: Section 1410.05 was repealed by Ordinance 03-06, passed July 7, 2003.)

1410.06 PLUMBING BOARD. (REPEALED)

(EDITOR'S NOTE: Section 1410.06 was repealed by Ordinance 03-06, passed July 7, 2003.)

1410.07 ELECTRICAL BOARD. (REPEALED)

(EDITOR'S NOTE: Section 1410.07 was repealed by Ordinance 03-06, passed July 7, 2003.)

1410.99 PENALTY.

(a) Any violation of this chapter may be deemed a civil violation in lieu of criminal sanctions and upon an admission or finding of liability, shall be punishable to the fullest extent as allowed by the Code of Virginia or by a fine of one hundred dollars (\$100.00) for the first violation and one hundred fifty dollars (\$150.00) for each additional violation, whichever is greater. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified civil violations arising from the same operative set of facts result in civil penalties which exceed the amount allowed under the Virginia Code, or a total of three thousand dollars (\$3,000.00), whichever is greater. Nothing in this chapter shall be construed as to prohibit the Building Official or the Building Maintenance Official from initiating civil injunction procedures in cases of repeat offenses or health and safety matters.

(b) After having served a notice of violation on any person or entity committing or permitting a violation under this chapter and if such violation has not ceased within such reasonable time as is specified in said notice, the Building Official, the Building Maintenance Official, or the designated personnel shall cause two copies of the summons or ticket to be sent via certified mail to such person or entity. If the person or entity complies in writing to a notice of violation, and agrees in writing to cease such violation, no further penalty fines shall be levied after the date of said agreement, provided the agreement is fully complied with within the time specified in said agreement.

(c) The summons shall provide that any person or entity summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing to the County Treasurer's office at least 72 hours prior to the time and date fixed for trial and enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, said admission is limited to civil actions and shall not be deemed an admission in a criminal proceeding.

(d) If a person or entity charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in general district court in the same manner and with the same right of appeal as provided by law. (Ord. 82-07. Passed 5-17-82; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)

Attachment 2

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ATTACHMENT 3

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CHAPTER 3

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(b) The following portions of the Virginia Uniform Statewide Building Code are hereby adopted for enforcement in the County:

- (1) "New Construction Code," in its entirety; and
- (2) "Property Virginia Maintenance Code," including and expressly limited to:
 - A. Unsafe structure provisions.
 - B. Exterior property and structure provisions: General (Section 301); Exterior Property Areas (Section 302); Swimming Pools, Spas and Hot Tubs (Section 303); and Exterior Structure (Section 304)
 - B C. Occupancy limitations provisions.

(c) Copies of the Virginia Uniform Statewide Building Code are filed and are available for inspection in the offices of the Department of Building and Development in Leesburg, Virginia, which copies shall be made available for inspection and examination during regular County business hours, Monday through Friday, except for holidays or inclement weather closings. The department may charge a reasonable fee for distribution of the Building Code based on production and distribution costs. (Ord. 87-09. Passed 7-20-87; Ord. 91-23. Passed 9-17-91; Ord. 93-13. Passed 11-17-93; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)

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(b) After having served a notice of violation on any person or entity committing or permitting a violation under this chapter and if such violation has not ceased within such reasonable time as is specified in said notice, the Building Official, the Building Maintenance Official, or the designated personnel shall cause two copies of the summons or ticket to be sent via certified mail to such person or entity. If the person or entity complies in writing to a notice of violation, and agrees in writing to cease such violation, no further penalty fines shall be levied after the date of said agreement, provided the agreement is fully complied with within the time specified in said agreement.

(c) The summons shall provide that any person or entity summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing to the County Treasurer's office at least 72 hours prior to the time and date fixed for trial and enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, said admission is limited to civil actions and shall not be deemed an admission in a criminal proceeding.

(d) If a person or entity charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in general district court in the same manner and with the same right of appeal as provided by law. (Ord. 82-07. Passed 5-17-82; Ord. 03-06. Passed 7-8-03; Ord. 04-18. Passed 9-7-04.)

ATTACHMENT 5

TO: Danny Davis, County Administration Project Manager
FROM: Jacob Hambrick, Assistant Enforcement Program Manager
CC: Keith Fairfax, Enforcement Program Manager
DATE: Civil Fines Issued

Zoning Enforcement Staff was asked to provide the total dollar amount of all of the tickets issued by zoning staff for the past year and a breakdown of that total amount. Below are the requested numbers starting with 07-01-08 thru 05-15-09.

\$50 Tickets (ADU)	= 155 (\$7,750)*
\$200 Tickets	= 34 (\$6,800)**
\$500 Tickets	= 39 (\$19,500)***

Total amount of tickets issued: \$34,050.00

* ADU tickets are limited to \$50.00 each for the initial and subsequent fines for a maximum of \$3,000.00.

** The \$200.00 tickets are for initial citing after the Notice of Violation has been issued and violations not corrected.

*** The \$500.00 tickets are for 2nd and subsequent offenses until a maximum of \$5000.00 is reached or compliance is gained.

Below is a breakdown of the amount of fines that have been or are 1) paid, 2) sent to the County Attorney for judgments, 3) awarded judgments and 4) still active cases.

Total Amount of Fines Paid: \$10,050.00
Total Amount of Fines Sent to County Attorney: \$10,200.00
Judgments Against Debtors for Zoning Department Civil Fines: \$550.00
Total Amount of Fines with Active Cases: \$13,250.00

Total: \$34,050.00

If any other additional information is needed with regard to issued zoning tickets, please let me know.